

Members:

Rep. Ed Mahern, Chairperson
Rep. Michael Dvorak
Rep. Ralph Foley
Sen. Sue Landske, Vice-Chairperson
Sen. Joseph Zakas
Sen. Rose Ann Antich



Lay Members:

Mr. James Martin
Ms. Cynthia A. Boll
Mr. Vincent J. Heiny
Mr. Robert Christopher
Ms. Janet S. Ellis
Mr. Terry Harris
Ms. Diane L. Bender
Mr. John S. Chappell
Ms. Kristen G. Fruehwald

PROBATE CODE STUDY COMMISSION

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Authority: IC 2-5-16-3

MEETING MINUTES

Meeting Date: July 22, 1998
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St.,
Room 125
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Rep. Ed Mahern, Chairperson; Rep. Ralph Foley; Sen. Joseph Zakas; Mr. James W. Martin; Mr. Vincent Heiny; Ms. Janet Ellis; Mr. Terry Harris; Ms. Diane Bender; Ms. Kristen Fruehwald.

Members Absent: Rep. Michael Dvorak; Sen. Sue Landske; Sen. Rose Ann Antich; Ms. Cynthia Boll; Mr. Robert Christopher; Mr. John Chappell.

Rep. Mahern called the meeting to order and asked Commission members to introduce themselves.

Ross Hooten, attorney for the Commission, reviewed the Commission's work in 1997 and the outcome of the legislation proposed by the Commission in 1997. Counsel reported that portions of four of the seven drafts approved by the commission in 1997 were enacted by the General Assembly.

Rep. Mahern discussed the direction of the Commission in 1998. Rep. Mahern plans to limit the Commission's agenda to those issues in which the Commission's expertise and recommendation will have an impact. Thus, the Commission will not address issues concerning the removal of successor trustees or further reductions in the inheritance tax. Rep. Mahern noted that while both issues have been studied

extensively by the Commission in recent years, they have attracted a good deal of legislation introduced independently of the Commission's actions. Rep. Mahern then presented the issues that he wished for the Commission to address this summer.

Kristen Fruehwald reported to the Commission the issues that the Probate Review Committee of the Indiana State Bar Association wishes for the Commission to address.

After hearing from Rep. Mahern and Ms. Fruehwald, the Commission members suggested the following agenda items for the next meeting of the Probate Code Study Commission:

- (1) Probate notice requirements.
- (2) The time period for filing claims against an estate.
- (3) The 1997 recommended legislation that was not enacted by the general assembly.
- (4) A fiduciary's ability to invest in life insurance.
- (5) Charitable trusts.
- (6) The valuation of farmland and small businesses for purposes of the inheritance tax.
- (7) HB 1301-1997.
- (8) Unsupervised estates.

Rep. Mahern requested Counsel to prepare preliminary drafts for each of the items listed above for discussion at the next meeting of the Commission. Rep. Mahern then scheduled the next meeting for August 27, 1998 at 10:00 a.m.

With there being no further business before the Commission, Rep. Mahern adjourned the meeting at 11:15 a.m.